

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**LYLE BREHM, et al.,**

**Plaintiffs,**

**V.**

**CAPITAL GROWTH FINANCIAL,  
INC., et al.,**

**Defendants.**

**8:07CV254**

## ORDER

This matter is before the court following a telephone conference with counsel and pro se parties on November 8, 2010. Representing the plaintiffs were Gregory C. Scaglione, James B. Cavanagh, and John L. Spray; representing the Jacobs defendants and Capital Growth Financial, LLC was Neil S. Baritz; representing defendant Stark Winter Schenkein & Co., LLP was Randall L. Goyette; defendant John Boyce participated pro se; defendant Geraldine Magalnick participated pro se; and the remaining defendants did not participate. The court considered the plaintiffs' Verified Motion for Continuance, Resetting Progression Deadlines and For Status Hearing ([Filing No. 421](#)). None of the participants had an objection to the motion. The plaintiffs' motion for continuance will be granted as set forth below.

**IT IS ORDERED:**

1. **Trial** is set to commence, at the court's call, during the week of **April 18, 2011**, in Omaha, Nebraska, before the Honorable Joseph F. Bataillon and a jury. Unless otherwise ordered, jury selection shall be at the commencement of trial.

2. **The Final Pretrial Conference** with the undersigned magistrate judge is set for **February 25, 2011, at 11:00 a.m.** in chambers, Suite 2271, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

3. **Deposition Deadline.** All depositions, whether or not they are intended to be used at trial, shall be completed by **January 31, 2011.**

4. **Pretrial Disclosures.** Pursuant to Fed. R. Civ. P. 26(a)(3), each party shall serve and file a redacted version as applicable with the following information regarding the evidence it may present at trial other than solely for impeachment purposes as soon as practicable **but not later than the date specified:**

a. **Witnesses - On or before December 31, 2010:** The name, address and telephone number<sup>1</sup> of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

b. **Trial Exhibits - On or before February 10, 2011:** A list of all exhibits it expects to offer by providing a numbered listing and permitting examination of such exhibits, designating on the list those exhibits it may offer only if the need arises.

c. **Waiver of Objections:** Any and all objections to the use of the witnesses, deposition testimony, discovery responses, or exhibits disclosed pursuant to the above subparagraphs, including any objection pursuant to Fed. R. Civ. P. 32(a) that a deponent is available to testify at the trial, shall be made a part of the pretrial order. Failure to list objections (except those under Fed. R. Evid. 402 and 403) is a waiver of such objections, unless excused by the court for good cause shown.

5. **Motions in Limine.** Any motions *in limine* shall be filed on or before **February 17, 2011**.

6. Defendant Magalnick shall have until **November 18, 2010**, to file any motion to compel discovery.

7. The hearing remains scheduled for November 12, 2010, regarding the plaintiffs' Motion to Substitute Liana Dobarganes Harrington in Place of Defendant Patrick Harrington ([Filing No. 410](#)).

DATED this 9th day of November, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge

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<sup>1</sup>In accordance with the E-Government Act, the parties shall redact social security numbers, home addresses, phone numbers, and other personally identifying information of witnesses, on documents filed with the court, but shall serve an unredacted version on opposing parties. **See** NECivR 5.0.3.